

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, NOVEMBER 1, 1994
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:10 a.m. Mayor Golding recessed the regular meeting at 10:40 a.m. to convene the Special Joint Meeting with the Redevelopment Agency. Mayor Golding reconvened the regular meeting at 10:42 with Council Member Kehoe not present. The meeting was recessed by Mayor Golding at 11:49 a.m. to meet in Closed Session, in the 12th floor Conference Room, to discuss Item 335 on the docket, the First San Diego River Improvement Project (FSDRIP). Mayor Golding reconvened the regular meeting at 11:51 a.m. with Council Member Kehoe not present. The meeting was recessed by Mayor Golding at 12:11 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Golding at 2:13 p.m. with Council Members Roberts, Kehoe, and Stevens not present. Mayor Golding recessed the regular meeting at 2:15 p.m. to reconvene the Special Joint Council Meeting with the Redevelopment Agency. Mayor Golding reconvened the regular meeting at 2:27 p.m. with Council Members Roberts, Kehoe, and Stevens not present. Mayor Golding adjourned the meeting at 4:09 p.m. to reconvene the Redevelopment Agency and thereafter to meet in Closed Session in the 12th Floor Conference Room to discuss pending litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-Present
- (1) Council Member Mathis-present
- (2) Council Member Roberts-present
- (3) Council Member Kehoe-excused by R-284971
(personal business)
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present

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- (8) Council Member Vargas-present
- Clerk-Abdelnour/Fishkin (rb/ew)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Roberts-present
- (3) Council Member Kehoe-not present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

PUBLIC COMMENT:

ITEM-PC-7:

Comments by David Bieber regarding "Bikers for Babies."

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A023-045.)

COUNCIL COMMENT:

None.

ITEM-310: WELCOMED

Mayor Golding to welcome distinguished visitors from
Japan External Trade Organization (JETRO).

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A047-131.)

ITEM-311: DENIED HEARING

SUBJECT: Request of Mark Linsky for a hearing of an appeal from the decision of the Planning Commission in approving the request for Coastal Development Permit CDP-94-0162.

(Pacific Beach Community Plan Area. District-2.)

A motion either granting or denying the request for a hearing of the appeal.

SUPPORTING INFORMATION:

The appeal is being requested for a permit for the demolition of a single-family residence and the construction of a two story, four-unit, 7,352-square-foot, condominium development with four attached garages.

The project site is located at 1411 Thomas Avenue and is further described as Lots 4 and 5, Block No. 268, Pacific Beach Subdivision, Map-697, in the R-3000 Zone, within the Pacific Beach Community Plan area.

FILE LOCATION: PERM CDP-94-0162

COUNCIL ACTION: (Tape location: A138-194.)

MOTION BY ROBERTS TO DENY THE APPEAL BASED ON THE FINDING THAT THE PROJECT IS WELL DESIGNED AND HAS ADEQUATE PARKING AND WILL FIT INTO THE COMMUNITY IN THE WAY IN WHICH IT WAS INTENDED BY THE ORDINANCE.

Second by McCarty. Passed by the following vote:
Mathis-yea, Roberts-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-330:

SUBJECT: Consideration of a Council Policy establishing screening criteria for the acceptance of Mills Act contract proposals.

The Mills Act is a state law which permits the City Council to enter into individual voluntary contracts with the owners of qualifying historic properties in

order to foster historic preservation and to encourage neighborhood revitalization.

(Property Tax Reduction. Citywide.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-567) ADOPTED AS RESOLUTION R-284848

Adoption of a Resolution directing the City Manager to prepare and return to Council with a Council Policy with respect to establishment of a City Mills Act Program for preservation of historic properties; and directing the City Manager to prepare an Administrative Regulation consistent with the Council Policy to implement a Mills Act Contract Program.

SUPPORTING INFORMATION:

The Mills Act is a state law which permits the City Council to enter into individual voluntary contracts with the owners of qualifying historic properties in order to foster historic preservation and to encourage neighborhood revitalization. During the life of the contracts, the historic property owner utilizes an alternative method for computing the assessed value of the historic property, thus reducing property taxes by 40-70 percent. The terms of the negotiated contract may require the owner to expend certain dollars for property upkeep and/or restoration, not to exceed the amount of the property tax savings.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A420-C089.)

Hearing began at 10:42 a.m. and halted at 11:43 a.m.

Testimony in opposition by Bruce Nordahl and Caryl Iseman.

Testimony in favor by David Swarens, Dave Odell, Doris Howell, Paul Johnson, Linda Moreland, Ione Stiegler, F. E. Handley, Daniel Laramie, Paul Reed and Leon Herrick.

Motion by Warden to adopt the City Manager's recommendations as amended with the addition of the commercial historical sites and with a graduated filing fee. Second by McCarty. Vote not taken.

Motion by McCarty to amend Warden's motion by eliminating the ten-year schedule of work and expenditures and also the additional CCDC (Centre City Development Corporation) criteria. Second by Roberts. Warden accepts amendment to motion. Vote not taken.

Motion by Roberts to provide a condition of a drive-by, visual inspection of the buildings with the requirement that the exterior of the buildings be maintained and in weather-tight condition. No second.

MOTION BY WARDEN TO ACCEPT THE CITY MANAGER'S RECOMMENDATION, BUT TO INCLUDE COMMERCIAL PROPERTIES WITH GRADUATED FILING FEES; ACCEPT THE DRIVE-BY INSPECTIONS; INCLUDE REDEVELOPMENT AGENCY OPTION PRESENTATION TO COUNCIL WITHIN 180 DAYS. LEAVE OUT THE TEN-YEAR SCHEDULE OF WORK. Second by Second by McCarty. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

MOTION BY ROBERTS TO ADOPT THE RESOLUTION ADDING TO THE MAIN MOTION THAT NO TEN-YEAR SCHEDULE OF WORK WOULD BE REQUIRED, AND THAT THE DRIVE-BY INSPECTION APPROVED IN THE FIRST MOTION IS REQUIRED ONLY TO VERIFY THAT THE BUILDING IS WEATHER-TIGHT AND REMAINS VISIBLE FROM THE PUBLIC RIGHT-OF-WAY. Second by Vargas. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-not present, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331:

SUBJECT: Two actions related to the Market Street (6th Avenue to 12th Avenue) Underground Utility District.

(Centre City Community Area. Districts-2,3, & 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-416) ADOPTED AS RESOLUTION R-284849

Establishing the Market Street (6th Avenue to 12th Avenue) Underground Utility District.

Subitem-B: (R-95-417) ADOPTED AS RESOLUTION R-284850

Authorizing the expenditure of not to exceed \$31,000 from Annual Allocation - Under-grounding of City Utilities, CIP-37-028.0 (\$5,500 from Gas Tax Fund 30219 and \$25,500 from Transnet Fund 30300), for the purpose of administering the Market Street (6th Avenue to 12th Avenue) Underground Utility District, minor City force work and other related work.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district will underground the overhead utility facilities on Market Street between 6th and 12th Avenues. The formation of this district will require the affected property owners to underground the portion of their utilities on their parcel prior to removal of the overhead utilities.

Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners based on the length of their electrical service trench. A future resolution will establish the date for removal of overhead utilities as the undergrounding work approaches completion.

Aud. Cert. 9500241.

FILE LOCATION: STRT K-226

COUNCIL ACTION: (Tape location: A351-380.)

Hearing began at 10:35 a.m. and halted at 10:40 a.m.

CONSENT MOTION BY ROBERTS_TO_ADOPT ITEMS 331, 338, AND 339. Second by Stevens. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332:

SUBJECT: Two actions related to the National Avenue (32nd Street to 43rd Street) Underground Utility District.

(Memorial, Mountain View and Southcrest Community Areas. Districts-4 & 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-429) ADOPTED AS RESOLUTION R-284851

Establishing the National Avenue (32nd Street to 43rd Street) Underground Utility District.

Subitem-B: (R-95-430 Cor. Copy) ADOPTED AS RESOLUTION
R-284852

Authorizing the expenditure of not to exceed \$33,000 from Annual Allocation - Undergrounding of City Utilities, CIP-37-028.0 (\$122.69 from Gas Tax Fund 30219, \$7,877.31 from Capital Outlay Other, Fund 302453, and \$25,000 from Transnet Fund 30300), for the purpose of administering the National Avenue (32nd Street to 43rd Street) Underground Utility District, minor City force work and other related work.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district will underground the overhead utility facilities on National Avenue between 32nd Street and 43rd Street. The formation of this district will require the affected property owners to underground the parcel of their utilities on their parcel prior to removal of the overhead utilities. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners based on the length of their electrical service trench. A future resolution will establish the date for removal of overhead utilities as the under-grounding work approaches completion.

Aud. Cert. 9500240.

FILE LOCATION: STRT K-227

COUNCIL ACTION: (Tape location: C090-094.)

Hearing began at 11:43 a.m. and halted at 11:44 a.m.

MOTION BY WARDEN_TO_ADOPT. Second by Roberts. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333: CONTINUED TO NOVEMBER 29, 1994

SUBJECT: Two actions related to Street Vacation - Federal Boulevard and Mallard Street.

(Broadway Heights Neighborhood. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-570)

Vacating the street reservation between Federal Boulevard and Mallard Street, under the procedure for the summary vacation of streets.

Subitem-B: (R-95-571)

Certifying that the information contained in DEP-92-0518, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and has been reviewed and considered by the Council in connection with the approval of the vacation of the street reservation between Federal Boulevard and Mallard Street.

CITY MANAGER SUPPORTING INFORMATION:

The proposed street vacation has been requested by the abutting property owner in order to consolidate the unimproved right-of-way (paper street) to allow the future construction of one single-family residential unit.

The subject vacation is located in the Broadway Heights neighborhood and is situated in the R1-6000 Zone. The area-of-vacation is approximately 71,874 square feet (1.65 acres), and no development is proposed at this time. Any development proposal other than the single-family residence considered in the Environmental Negative Declaration (DEP-92-0518) will be subject to discretionary permit review. The area-of-vacation is unimproved but does contain a sewer line for which an easement will be granted to the City. The right-of-way is not required for access or traffic circulation, since all adjacent parcels are served by the existing street system.

FINDINGS: Staff review has indicated that the vacation is consistent with the General Plan, the community plan, and Council Policy 600-15 and may be summarily vacated. The right-of-way is not required for present or prospective public use, and the facilities for which it was originally acquired will not be detrimentally affected. The public will benefit from the

vacation through improved utilization of the land and relieving the City of maintenance and liability responsibilities.

FILE LOCATION: STRT J-2811

COUNCIL ACTION: (Tape location: A216-317.)

Testimony by Delmar Neville, II, regarding the proposed continuance.

MOTION BY STEVENS TO CONTINUE THE ITEM TO NOVEMBER 29, 1994, AS RECOMMENDED BY THE CITY MANAGER, TO ALLOW THE COMMUNITY PLANNING GROUP TIME TO REVIEW. Second by Warden. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334: CONTINUED TO NOVEMBER 29, 1994

SUBJECT: Two actions related to the Mira Mesa Facilities Benefit Assessment.

(See City Manager Report P-94-098. Mira Mesa Community Area. District-5.)

(Continued from the meetings of July 5, 1994, Item 339, August 2, 1994, Item 332 and October 4, 1994, Item 330; last continued at the City Manager's request, for further review.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-94-1830)

Designating an area of benefit in Mira Mesa;
Confirming the description of the Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to the Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments; and Ordering the

proposed Public Facilities Project in the matter of the
Mira Mesa Facilities Benefit Assessment Area.

Subitem-B: (R-94-1832)

Declaring the assessment fee schedule contained in the
Mira Mesa Public Facilities Financing Plan, to be an
appropriate and applicable development impact fee for
all properties within the Mira Mesa Community that have
either never been assessed under the Mira Mesa Public
Facilities Financing Plan or have not otherwise agreed
to the payment of Facilities Benefit Assessment fees as
prescribed by the City Council.

OTHER RECOMMENDATIONS:

Transportation and Land Use Committee's Recommendation:

On 6/1/94, T&LU voted 5-0 to recommend adoption. (Councilmember
Mathis, Roberts, Warden, Stallings and Vargas voted yea).

FILE LOCATION: STRT FB-12

COUNCIL ACTION: (Tape location: A332-341.)

MOTION BY WARDEN TO CONTINUE THE ITEM TO NOVEMBER 29, 1994,
TO ALLOW THE CITY MANAGER AND STAFF TO MEET WITH THE
COMMUNITY PLANNING GROUP. Second by Vargas. Passed by the
following vote: Mathis-yea, Roberts-yea, Kehoe-not present,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

ITEM-335: (R-95-716) ADOPTED AS RESOLUTION R-284853

SUBJECT: Treasurer's Notice to the City Council Regarding a
Danger of Ultimate Loss to Bondholders of the First San
Diego River Improvement Project (FSDRIP).

(See City Manager Report CMR-94-299. District-6.)

(Continued from the meeting of October 4, 1994, Item
331, at the City Manager's request, to enable staff to
prepare responses to unanswered questions from the
Council and the public, evaluate the outcome of the
judicial foreclosure trial set for Superior Court on
10/28/94, and to provide the Manager the opportunity to
seek additional alternatives to resolve the situation.)

Determining whether there will be an ultimate loss
occurring to the bondholders of Assessment District

4007, First San Diego River Improvement Project
(FSDRIP).

CITY MANAGER'S RECOMMENDATION:

Do not make a determination that there will be an ultimate loss to the bondholders based upon facts known at this time and direct the City Treasurer to pay matured bonds and interest so long as there is available money in the redemption fund.

FILE LOCATION: STRT D-2256

COUNCIL ACTION: (Tape location: C143-175.)

Hearing began at 11:48 a.m. and recessed at 11:49 a.m.

Hearing resumed at 11:51 a.m. and halted at 11:53 a.m.

MOTION BY STEVENS TO ADOPT THE CITY MANAGER'S RECOMMENDATIONS. Second by Vargas. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-336:

SUBJECT: Two actions related to Development Impact Fee Credit/Reimbursement Agreement with Point Loma Nazarene College.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-568) ADOPTED AS RESOLUTION R-284854

Authorizing a Development Impact Fee Credit/Reimbursement Agreement with Point Loma Nazarene College for the construction of a traffic signal at the intersection of Catalina Boulevard and Lomaland Drive;

Authorizing the Development Impact Fee Credit/Reimbursement in accordance with the above agreement, in an amount representing 50 percent of the final cost of construction of the described traffic signal;

Approving the amendment of the Peninsula Community Impact Fee Base to include the traffic signal at the intersection of Catalina Boulevard and Lomaland Drive.

Subitem-B: (R-95-569) ADOPTED AS RESOLUTION R-284855

Stating for the record that the City of San Diego as Lead Agency, has reviewed and considered the final environmental document DEP-87-0142.

CITY MANAGER SUPPORTING INFORMATION:

Subsequent to City Council approval of CUP/CDP-87-012 on November 27, 1990 the City entered into an agreement with Point Loma Nazarene College in September 1992 requiring the College to design and construct a traffic signal at the intersection of Catalina Boulevard and Lomaland Drive with associated public improvements. Construction was to begin within six months of an agreement whereby the City would grant Development Impact Fee Credit/Reimbursement for 50 percent of the final project cost and add the project to the D.I.F. distribution list for the Peninsula Community Planning Area.

This agreement gives Point Loma Nazarene College such a credit toward future Development Impact Fees to be paid by the College for building permits. It also provides for cash reimbursement to the College in the event that required fees are less than the final credit whenever such monies become available, provided that no existing D.I.F. funded projects are deferred. It is necessary to amend the Impact Fee Base (September 1987) for the Peninsula Community to include this project. The addition of the project will not result in a revision of the transportation portion of the fee as the increase would have been less than \$1.00 per trip.

FILE LOCATION: MEET CONT FY95-1

COUNCIL ACTION: (Tape location: C102-127.)

MOTION BY ROBERTS TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-337:

SUBJECT: Convention Center Expansion - Alternative Site Plans and Urban Design Issues.

(District-2.)

ADOPTED AS RESOLUTION R-284861

A continuation of the discussion of Urban Design and Site Planning issues for the expansion of the Convention Center.

An analysis will be presented of three sites (Options 1, 2 and 3) selected by the City Council on October 18, 1994.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C178-422; D105-F401.)

MOTION BY ROBERTS TO ADOPT THE CITY MANAGER'S RECOMMENDATION RELATIVE TO THE EXPANSION TO INCLUDE: 1) OPTION NO. 2; 2) THE URBAN DESIGN CRITERIA OUTLINED IN THE MANAGER'S REPORT NO. 94-335; 3) RECOMMENDATIONS IN COUNCIL MEMBER WARDEN'S MEMO DATED OCTOBER 31, 1994; 4) FUTURE EXPANSION TO OCCUR ON THE NORTH AND EAST SIDE OF HARBOR DRIVE; AND 5) THE ALLOCATION OF AN AMOUNT NOT TO EXCEED \$50,000 FOR THE DEVELOPMENT OF THE MASTER PLAN. DIRECT THE CITY MANAGER TO DO THE FOLLOWING: 1) CONSIDER THE POSSIBILITY OF FUTURE EXPANSION OF THE CONVENTION CENTER BE NEAR THE SPORTS ARENA SITE; 2) HAVE THE DESIGN REVIEW COMMITTEE REVIEW PLAN, LOOK AT THE COST OF THE CONTRACT, AND DETERMINE HOW MUCH THE CITY WILL NEED TO CONTRIBUTE TO THE PORT DISTRICT; 3) HAVE THE DESIGN REVIEW COMMITTEE WORK WITH THE PORT DISTRICT TO EXPEDITE THE MASTER PLAN THAT COVERS THE PROPERTIES THAT ARE LEASED IN THE PROPOSED CONVENTION CENTER EXPANSION SITE. Second by Warden. Passed by the following vote: Mathis-yea, Roberts-not present, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-338:

SUBJECT: Transfer of Funds from the Public Art Fund to the Mid-City Development Corporation for Painting of the Euclid Tower.

(District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-647) ADOPTED AS RESOLUTION R-284856

Authorizing the Auditor and Comptroller to transfer not

to exceed \$2,000 from the Public Art Fund 10270, Dept. 1027, to the Mid-City Development Corporation, to help pay for costs associated with the painting of the Euclid Tower and the installation of the children's tile.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego Commission for Arts and Culture initiated the Public Art Master Plan (PAMP), a city-wide pilot program designed to involve communities and artists in the development and creation of site specific artwork. The communities participating in PAMP are: City Heights, Linda Vista, Ocean Beach, Golden Hill, Mission Hills, Pacific Beach, Mission Trails Regional Park, Emerald Hills, Carmel Valley, and San Ysidro. Through a series of public meetings, the community of City Heights identified Euclid Tower as the site for the artwork. A community-based jury, which included two community members, a business owner, a professional artist, an arts administrator, a design professional, and a member of the Art in Public Places Advisory Committee, selected the team of Cynthia Bechtel, Mark Messenger and Christina Montuori from a county-wide competition. The City, through the Commission for Arts and Culture, entered into an agreement with the Artist Team for the design of the painted facades of the Euclid Tower and for the production of children's tile for the project. Area children will participate in workshops conducted by the Artist Team in the local schools. The Mid-City Development Corporation has raised funds to pay for and supervise the preparation of the surfaces of the Euclid Tower, prior to installation of the children's tile. The transfer of \$2,000 from the Public Art Fund to the Mid-City Development Corporation is for costs associated with painting the Tower and installing the tile.

Aud. Cert. 9500433.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A351-380.)

CONSENT MOTION BY ROBERTS TO ADOPT ITEMS 331, 338, AND 339. Second by Stevens. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-339:

SUBJECT: Request to Fund the Deductive Alternate for the
Broadway Sidewalks on Broadway between Seventh and
Eighth Avenues.

(See Memorandum from CCCD Senior Vice President dated
10/12/94. Centre City Community Area. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-95-641) ADOPTED AS RESOLUTION R-284857

Making findings that the sidewalk improvements on
Broadway between Seventh and Eighth Avenues are of
benefit to the Centre City Redevelopment Project area
or the immediate neighborhood in which the Project is
located; that no other reasonable means of financing
the improvements are available to the community; that
the payment of funds for such improvements will assist
in the elimination of blighting conditions inside the
Project area; and that the proposed improvements are
consistent with the Implementation Plan adopted for the
Project pursuant to Health and Safety Code 33490.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A351-380.)

CONSENT MOTION BY ROBERTS TO ADOPT ITEMS 331, 338, AND 339.
Second by Stevens. Passed by the following vote:
Mathis-yea, Roberts-yea, Kehoe-not present, Stevens-yea,
Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor
Golding-yea.

ITEM-340: CONTINUED TO NOVEMBER 28, 1994

SUBJECT: Paramedic Services Contract.

(See City Manager Report CMR-94-323; City Manager
Report CMR-94-188; City Attorney Memorandum of Law
dated 5/19/94; Letter of Notification from the City
Manager dated 8/16/94.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-624)

Declaring American Medical Services to be in non-compliance with Section 2(n) of the Agreement for Paramedic System Management (Document No. RR-281705 on file in the office of the City Clerk), with regard to billing for paramedic services;

Declaring that American Medical Services, having failed to achieve compliance after appropriate written notice being given in accordance with Section IX 1.A.1 of the Request for Proposals for Paramedic System Management Procurement dated October 1992, which was incorporated into the Agreement by reference, is in breach of contract, therefore the contract may be terminated upon legal resolution of the dispute;

Authorizing the City Manager and City Attorney to pursue appropriate administrative and legal action necessary for the termination of the agreement.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: D026-D104.)

MOTION BY WARDEN TO CONTINUE TO NOVEMBER 28, 1994 AT THE CITY MANAGER'S REQUEST FOR FURTHER DISCUSSION OF THIS ISSUE WITH AMERICAN MEDICAL SERVICES. Second by Mathis. Passed by the following vote: Mathis-yea, Roberts-not present, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-nay, Mayor Golding-yea.

ITEM-CS-1: (R-95-689) ADOPTED AS RESOLUTION R-284860

A Resolution adopted by the City Council in Closed Session on November 1, 1994:

On March 16, 1993, City Council authorized retention of the firm of Brown, Diven & Hentschke to represent the City in the defense of litigation in Garcia v. City of San Diego, et al. and Goertz, et al. v. City of San Diego, et al. On November 1, 1994, Council authorized the City Auditor and Comptroller to set aside and expend an additional amount not to exceed \$15,000 from

Public Liability Fund No. 81140, Object Account No.
4141, Job Order No. 081141, exclusively for the purpose
of defraying legal fees and costs incurred by counsel.

Aud. Cert. 9500490.

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 4:09 p.m.